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First Trial in F.B.I. Spy Case Set to Open With Question on Secrets

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LOS ANGELES, March 17 — The first of two espionage trials involving a discharged agent of the Federal Bureau of Investigation and a Soviet émigré couple opens this week in a case in which the Government has much at stake.

Federal District Judge David V. Kenyon has said that if classified information is determined in the course of trial to be essential to a fair defense, the Government must choose between disclosing that information or abandoning prosecution.

Nothing like this case has ever happened in the history of the F.B.I. The agent, Richard W. Miller, is accused of conspiring with the two immigrants to spy for the Soviet Union. The Soviet couple, Svetlana and Nikolay Ogorodnikov, will be tried first, with jury selection scheduled to begin Tuesday.

Likely to be open to public examination are the inner workings of the F.B.I. counterespionage operations and allegations that the Los Angeles office of the bureau is run by a Mormon clique that practices favoritism toward agents who are members of the Church of Jesus Christ of Latter-day Saints.

Agent to Be Tried Later

Mr. Miller, 58 years old, a Mormon who served in the F.B.I. for 20 years and was in the bureau's foreign counterintelligence unit in Los Angeles when he was indicted, will be tried separately later. Judge Kenyon is to preside over both trials.

According to the Government, Mr. and Mrs. Ogorodnikov conspired with Mr. Miller to pass secret F.B.I. documents to Soviet intelligence officials, agreeing to pay the agent \$65,000 in cash and gold. Both Ogorodnikovs have been described by F.B.I. officials as "covert agents" of the K.G.B. the

Soviet internal security and intelligence service, although recently the officials have been silent on any such link.

They were arrested Oct. 2 after being under surveillance and after Mr. Miller went to his superiors and told them of his dealings with Mrs. Ogorodnikov. All three are charged with conspiracy to commit espionage and bribery. Conspiracy to commit espionage is punishable by up to life in prison.

Alexandr Grishin, a vice consul at the Soviet consulate in San Francisco, was named as an unindicted co-conspirator for his purported role in arranging a planned trip by Mr. Miller and Mrs. Ogorodnikov to meet Soviet intelligence agents in Europe.

A Secret 24-Page Report

The Government case focuses on a 24-page document entitled "Reporting Guidance: Foreign Intelligence Information," which F.B.I. officials have described as capable of providing to Soviet intelligence "a detailed picture of F.B.I. and U.S. intelligence activities, techniques and requirements."

The F.B.I. said Mr. Miller admitted to an F.B.I. lie detector expert on Oct. 1 that he had provided the document to Mrs. Ogorodnikov. But at a pretrial hearing in January, Mr. Miller denied making such an admission.

Counts of the indictment that charged the Ogorodnikovs with aiding and abetting the obtaining of the document and its transfer to the Soviet authorities were dropped because of Mr. Miller's denial. But the conspiracy count was allowed to stand, prompting angry charges from Mrs. Ogorodnikov's lawyers, Gregory P. Stone and Brad D. Brian, that the Government possesses no evidence that any documents were passed.

The prelude to the purported conspiracy was a love affair between Mr. Miller and Mrs. Ogorodnikov, according to pretrial papers both have filed in the case. The Government contends the romance turned into a spy scheme last August, when, according to statements by Mr. Miller, Mrs. Ogorodnikov approached him with an offer of money for obtaining secret F.B.I. information for Soviet intelligence. Mr. Miller said she introduced Nikolay Wolfson to him as the person who would arrange payment. He said it was only later that he determined that the man was actually Nikolay Ogorodnikov, her husband.

Mrs. Ogorodnikov's defense is that she had been an F.B.I. informer, reporting on activities in the Los Angeles community of about 30,000 Russian

émigrés, the second largest in the country after New York. Any actions that gave rise to the espionage accusations, her defense lawyers have said, were done at the behest of Mr. Miller, who was assigned to monitor Russian émigrés as a counterintelligence agent.

Mrs. Ogorodnikov also maintained in court papers that she had earlier had an affair with another agent in the Los Angeles F.B.I. office, John E. Hunt, and that she had cooperated with Mr. Hunt as an "asset" of the F.B.I.

Mr. Hunt, who also worked in the counterintelligence unit, was mentioned in an F.B.I. affidavit as having "interviewed Svetlana Ogorodnikov on numerous occasions between February 1982 and August 1984," but agency officials denied any sexual liaison between the two and called her contention uncorroborated. Mr. Hunt retired from the F.B.I. shortly after the disclosure and has not been available for comment.

Mr. Ogorodnikov, who is 51 and a packer at a Los Angeles meat company, has said in court documents in his defense that he did not conspire with his wife, with Mr. Miller or anyone else to obtain secret documents.

Mr. Miller, who has been described as having a poor record as an agent, contends in his defense that he was playing along with the Ogorodnikovs in an attempt to redeem a lackluster career by infiltrating what he believed to be a cell of the K.G.B. His lawyers have called him "a pawn" of the F.B.I. who is being selectively prosecuted to dispel notions of favoritism toward Mormons.

Mrs. Ogorodnikov's lawyers have suggested that they, too, will emphasize shortcomings of character on the part of their client. They have sought to portray her as a dimwitted victim with alcohol and psychological problems that made her ripe for personal and professional exploitation by the F.B.I.